IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.1744 of 2008
NAND KISHORE SINGH
Versus
THE STATE OF BIHAR
With
Cr. Misc. No.13975 of 2008
MUKHDEO SINGH
Versus
THE STATE OF BIHAR.
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03 07.05.2008 Heard learned counsel for the parties.

Both these applications arise out of one case i.e. Arrah (Nawada) P.S.Case No.182 of 2001 under sections 420,467,468,471,120B of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner Nand Kishore Singh and the complainant are agnates. The dispute is with regard to a piece of khatiyani land which is being claimed by both the parties. It has further been submitted that for this a Title Suit bearing T.S.No. 362 of 2001 has already been filed by the petitioner which is pending in the Court for adjudication. In the said suit the declaration of title in respect of the disputed land in question has been sought.

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As Per allegation the petitioner Nand Kishore Singh is said to have sold that land in favour of the petitioner Mukhdeo Singh who is petitioner in Cr. Misc. 13975 of 2008.Referring to the impugned order learned counsel for the petitioners submits that the learned court below also perused the plaint of the said Title suit and the ground taken by it is that during the pendency of the suit the accused ought not to have disposed of the

property.

Having regard to the salient feature appearing from the record specially the fact that both the parties are claiming the disputed land and a Title Suit for the same is already pending between the parties this court is inclined to enlarge the petitioners,namely Nand Kishore Singh and Mukhdeo Singh on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Arrah (Bhojpur) in connection with Arrah (Nawadah) P.S.Case No.182 of 2001.

Sym/ **(Kishore K. Mandal, J.)**

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